

Dean A. Hanley, Esq. (State Bar No. 169507)  
Philip A. Harley, Esq. (State Bar No. 147407)  
Deborah R. Rosenthal, Esq. (State Bar No. 184241)  
PAUL, HANLEY & HARLEY LLP  
1608 Fourth Street, Suite 300  
Berkeley, California 94710  
Telephone: (510) 559-9980  
Facsimile: (510) 559-9970  
Email: [pharley@phhlaw.com](mailto:pharley@phhlaw.com)  
Email: [drosenthal@phhlaw.com](mailto:drosenthal@phhlaw.com)  
Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

EVERETT HOGGE and PRISCILLA  
HOGGE,

Plaintiffs,

vs.

A.W. CHESTERTON COMPANY, *et al*,

Defendants.

) Case No.: C07 2873 MJJ

)  
) **RE-NOTICE OF MOTION FOR REMAND**  
) **AND MOTION FOR ORDER**  
) **SHORTENING TIME ON BRIEFING**  
) **AND HEARING OF MOTION FOR**  
) **REMAND**

)  
) [28 U.S.C. §§ 1441-1447; F.R.C.P. 7(b); ND CA Local  
) Rule 7-1]

)  
) Hearing Date: July 10, 2007  
) (TENTATIVE)

) Proposed Hearing Date: June 19, 2007

) Time: 9:30 a.m.

) Courtroom: 11, 19<sup>th</sup> Floor

) Judge: Hon. Martin J. Jenkins

To the HONORABLE COURT AND TO ALL DEFENDANTS AND THEIR  
ATTORNEYS OF RECORD HEREIN:

PLEASE TAKE NOTICE THAT, on July 10, 2007, at 9:30 a.m., in Courtroom 11 on the  
19<sup>th</sup> Floor of the United States District Court for the Northern District of California, located at  
450 Golden Gate Avenue, San Francisco, California, before the Honorable Martin J. Jenkins,  
plaintiffs will and hereby do move this Court to remand this case to the Superior Court of the  
State of California, County of San Francisco. This motion is made on the grounds that defendant

**PLAINTIFFS' NOTICE OF MOTION AND MOTION FOR REMAND; MEMORANDUM OF POINTS  
AND AUTHORITIES**

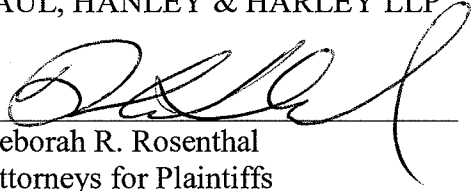
1 JOHN CRANE, INC.'s Notice of Removal on June 1, 2007—one day before the one-year  
2 statutory deadline and after three weeks of trial in the San Francisco Superior Court—fails to  
3 establish subject matter jurisdiction and is procedurally improper because: (1) California  
4 defendants remain in the case; (2) not all defendants consented to removal; and (3) it is untimely,  
5 in that it was not filed within thirty days after receipt by the defendant of any paper from which it  
6 may be ascertained that the case has become removable.

7 The motion is based on this Re-Notice of Motion and on the Notice of Motion and  
8 Motion and the accompanying memorandum of points and authorities and the Declarations of  
9 Dean A. Hanley and Stephen J. Healy and attached exhibits, and all papers previously filed for  
10 hearing before Magistrate Judge Elizabeth D. Laporte of this Court.

11 Based on the foregoing, and because plaintiff EVERETT HOGGE suffers from a fatal  
12 cancer and is health is rapidly declining, plaintiffs ask this Court to remand plaintiffs' case to the  
13 Superior Court of the State of California, County of San Francisco.

14  
15 DATED: June 7, 2007

PAUL, HANLEY & HARLEY LLP

16  
17   
18 Deborah R. Rosenthal  
Attorneys for Plaintiffs

**CERTIFICATE OF SERVICE - FRCivP 4(d)**

I am employed in the County of Alameda, State of California, I am over the age of 18 years and not a party to the within action. My business address is 1608 Fourth Street, Suite 300, Berkeley, CA 94710. On June 7, 2007, I served the foregoing:

**RE-NOTICE OF MOTION FOR REMAND AND MOTION FOR ORDER  
SHORTENING TIME ON BRIEFING AND HEARING OF MOTION FOR REMAND**

and a copy of this declaration to the interested parties herein as follows:

☐ By personal delivery of a true copy thereof to:

☐ By transmittal from a facsimile machine whose telephone number is (510) 559 9970:

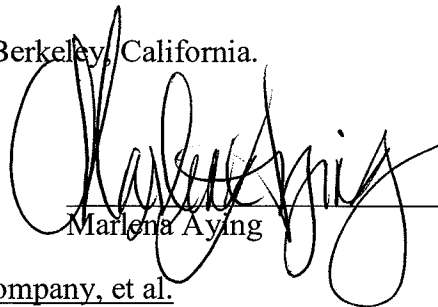
☐ By placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid in the US mail at Berkeley, California, addressed as set forth by the attached Service List. I am readily familiar with the firm's practice of collection and processing of correspondence for mailing. Under that practice, it would be deposited with the US Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if the postal cancellation date or postage meter date is more than one day after the date of deposit for mailing in this Declaration:

☒ By submitting an electronic version to ECF for service upon:

**Attorneys for Defendant JOHN CRANE, INC.**  
HASSARD BONNINGTON, LLP  
Two Embarcadero Center, Suite 1800  
San Francisco, CA 94111  
Phone: (415) 288-9800  
FAX (415) 288-9802

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed in Berkeley, California.

DATE: June 7, 2007

  
\_\_\_\_\_  
Marlana Aying

Everett Hogge, et al. v. A.W. Chesterton Company, et al.  
Northern District of California Case No. C07 2873 EDL